REMARKS

1.0 Summary: By this amendment, claims 1 and 21 are amended in view of the statements in the rejection (page 4) in re "there are no recitations in claims 1 and 21 that require the claimed invention to have only....a single shaft." Claims 2-7 indicated as being allowed remain in their amended state. This Amendment and Response is filed following a telephone interview between Examiner Keasel and the undersigned counsel on November 2, 2004. In that interview, the Examiner noted that despite forthcoming amendments to claims 1 and 21 based on the comments in the "Response To Arguments" (page 4), there could be another set of rejections, and the Examiner reserved the right to indicate that a new issue is presented. However, it is respectfully submitted that since the same three references have been presented many times, and the issue of claims 1 and 21 not setting forth an exemplary "single common actuator shaft" was discussed in the FOA at page 4, it would appear that the amendments herein do not raise a "new" issue. Indeed, it would appear to be somewhat misleading for the FOA to mention the exemplary "only a single common actuator shaft" as an example of what is not set forth in these rejected claims if it were then thought that "only a single common actuator shaft" limitation would not render the rejected claims patentable. In any event, the consideration requested herein of the proposed amendments to claims 1 and 21 would be appreciated.

2.0: Amended Claims: The Response To Arguments (page 4) noted that "There are no recitations in claims 1 and 21 that require the claimed invention to have only a single motor or a single shaft." In response, amended claim 1 sets forth only a single shaft, i.e.:

> a drive consisting of a single common actuator shaft connected to each of the first and second doors for selectively and separately moving either of the first and second doors to close the respective slot.

Further, amended claim 21 sets forth only such single shaft plus movement of such single shaft, i.e.:

> a drive for the doors consisting of a single common actuator shaft connected to each of the first and second doors and mounted for alternate first and second movement, the first movement being toward and away from the first slot and the second movement being simultaneous with the first movement and being away from and toward the second slot for selectively and separately moving either of the first and second doors to close the respective slot while the door that does not close a respective slot remains away from its respective slot.

3.0 Response To Rejection of Claims 1 and 21 Based on Chauvin et al. ("Chauvin"): Claims 1 and 21 were rejected under 35 USC 102 (b) based on Chauvin. The rejection recited the text of the claims as being shown by Chauvin.

Consideration of amended claims 1 and 21 as patentably defining over Chauvin is respectfully requested because Chauvin fails to show every element and every relationship of the elements as claimed, and the issue of only a single shaft appears to have been recognized before in the previous FOA. The "consisting of" text corresponds to the use of "only" in the FOA.

Chauvin was cited as having a common actuator connected to first and second doors, whereas a drive consisting of a single common actuator shaft is now recited. It is respectfully submitted that each of the Chauvin doors has a separate actuator, and that Chauvin shows no claimed single common actuator shaft for the two doors. In detail, reference is again made to FIGs. 4 and 5, which are the only FIGs. which show two doors (or valves). C2 and C3 describe FIG. 4 as showing the two doors in the form of upper and lower valves 27 and 28. Each of these valves 27 and 28 slides in a separate slot under the separate action of respective separate rods. A separate rod 43 is for actuating the upper valve 27, and a separate rod 53 is for actuating the lower valve 28. Moreover, the separate rod 43 rotates separately from the separate rod 53 to separately control applying the grooved cover 31 of the upper valve 27 to its upper portion 29 (FIG. 5). Rather than teaching use of a drive consisting of the same (single common) actuator shaft, Chauvin states that the "lower

valve 28 is identical with the upper valve 27" (C3, L83-85). Thus, the respective separate rod 53 separately controls the applying of the grooved cover 50 of the lower valve 28 to its lower portion.

> As a result, Chauvin does not show the claimed:
>
> a drive consisting of a single common actuator shaft connected to each of the first and second doors for selectively and separately moving either of the first and second doors to close the respective slot (amended claim 1), or
>
> a drive consisting of a single common actuator shaft connected to each of the first and second doors and mounted for alternate first and second movement, the first movement being toward and away from the first slot and the second movement being simultaneous with the first movement and being away from and toward the second slot for selectively and separately moving either of the first and second doors to close the respective slot while the door that does not close a respective slot remains away from its respective slot. (amended claim 21)

Accordingly, it is respectfully submitted that Chauvin does not anticipate amended claims 1 and 21 because each and every claimed element of these claims is not shown by the reference. Further, it is submitted that under 35 USC 103, it would not have been obvious in view of Chauvin to provide the claimed common actuator because Chauvin teaches one to have a separate actuator rod for each of the two valves, which is a teaching away from the claimed drive consisting of a single common actuator shaft. Consideration of amended claims 1 and 21 as patentably distinguishing over Chauvin is therefore respectfully requested.

4.0 Response To Rejection of Claims 1 and 21 Based on Ettinger et al ("Ettinger"): Claims 1 and 21 were rejected under 35 USC 102 (e) based on Ettinger. The rejection recited the text of the claims as being shown by Ettinger.

Ettinger was cited as having a common actuator connected to first and second doors for selectively and separately moving either of the first and second doors to close the respective slot.

It is respectfully submitted that in the FIG. 1-6 embodiment of Ettinger, the support for the doors 38A and 38B is not a drive consisting of only a single common actuator shaft. The reasoning is that two flexures 50A and 50B are show carrying the doors (Fig. 2). On the other hand, both amended claims 1 and 21 set forth the drive consisting of a single common actuator shaft connected to each of the first and second doors. Further, those two flexures are necessary to the disclosed movement of the doors, which is not separate and selective, and thus does not provide the doors mounted for alternate first and second movement, the first movement being toward and away from the first slot and the second movement being simultaneous with the first movement and being away from and toward the second slot for selectively and separately moving either of the first and second doors to close the respective slot while the door that does not close a respective slot remains away from its respective slot. Rather, both plates 38A and 38B (doors) move at the same time to simultaneously close or open the two valves. In detail, in FIG. 3 Ettinger shows an expandable chamber 80 that acts on both doors 38A and 38B at the same time to simultaneously move both doors outwardly away from each other to close the valves at the same time. Similarly, the doors are biased by the springs 106 (Fig. 3) to simultaneously move both doors toward each other to open both of the valves at the same time. Thus, the FIG. 1-6 embodiment fails to meet all the terms of amended claim 21. For example, Ettinger does not show:

> a drive consisting of a single common actuator shaft connected to each of the first and second doors and mounted for alternate first and second movement, the first movement being **toward and away** from the first slot and the second movement being **simultaneous with** the first movement and being **away from and toward** the second slot for selectively and separately moving **either** of the first and second doors to close the respective slot while **the door that does not close a respective slot remains away from its respective slot.** (amended claim 21)

respective slot while **the door that does not close a respective slot remains away from its respective slot.** (amended claim 21)

Further, in the FIG. 7 embodiment of Ettinger, there is only the one plate 36B' such that there is only one door, not the two doors, as claimed. Thus, the FIG. 7 embodiment fails to meet all the terms of amended Claims 1 and 21.

Still further, in the Ettinger FIGs. 8-19 embodiment, two separate door actuators (push plates) 336 separately actuate the respective doors for closure and opening (see detail in Fig. 10). This is clear from C12, L49-51 at which the door (sealing plate) 310A and the door 310B are said to act in the same way, such that the description of the door actuation at C11, L43 to C12, L47 (Figs. 10 and 11) applies to each door, which means that there are two actuators 336, one for each door. This is consistent with C9, L60-63, at which it is stated that the described FIGs. 8-19 implementations "allow passageways in adjacent chambers to be sealed independently of one another." The independent sealing action is via the separate actuation of the separate plates 336, where one plate 336 is separately controlled to urge one door out to seal, and a separate plate 336 is actuated to urge the other door out to seal.

Accordingly, it is respectfully submitted that Ettinger does not anticipate amended claims 1 and 21 because each and every claimed element of these claims is not shown by the reference. Further, it is submitted that under 35 USC 103, it would not have been obvious in view of Ettinger to provide the claimed common actuator because Ettinger teaches one to have a separate, not common, actuator, one for each of the two valves, which is a teaching away from the claimed drive consisting of a single common actuator shaft connected to both doors. Consideration of amended claims 1 and 21 as patentably distinguishing over Ettinger is therefore respectfully requested.

5.0 Response To Rejection of Claims 1 and 21 Based on Kroeker et al ("Kroeker"): Claims 1 and 21 were rejected under 35 USC 102 (e) based on Kroeker. The rejection recited the text of the claims as being shown by Kroeker.

Consideration of amended claims 1 and 21 as patentably distinguishing over Kroeker is respectfully requested because Kroeker fails to show every element and every relationship of the elements as claimed.

The rejection asserted that Kroeker discloses a dual slot valve in which a common actuator is connected to each of first and second doors for selectively and separately moving either of the first and second doors to close the respective slot.

It is respectfully submitted that the Kroeker disclosure clearly indicates that there are two separate actuators, one for each of the two doors 222-1 and 222-2 (C6, L12-16). The actuator 232-1 is only for moving the one door 222-1 (C6, L15-16), and the actuator 232-2 is only for moving the other door 222-2 (C6, L18-20). Fig. 7 shows the separate shafts 738, one for each of the separately mounted doors 222 (one door 222 shown in solid lines), and one door 222 shown in dashed lines. This disclosure of separate, not single common actuator shafts, is emphasized at C10, L47+ in terms of "separate valve actuators" (L57). In view of this disclosure of Kroeker, it is respectfully submitted that the Kroeker actuators are not a claimed:

"a drive consisting of a single common actuator shaft connected to each of the first and second doors for selectively and separately moving either of the first and second doors to close the respective slot.....(claim 1); nor

a drive consisting of a single common actuator shaft connected to each of the first and second doors and mounted for alternate first movement toward and away from the first slot and second simultaneous movement away from and toward the second slot for selectively and separately moving either of the first and second doors to close the respective slot while the door that does not close a respective slot remains away from its respective slot. (claim 21)

It is respectfully submitted that this teaching of Kroeker is

(1) not only not a teaching of a drive consisting of a single common actuator shaft, as now claimed, but is

(2) a teaching away from a drive consisting of a single common actuator shaft, in that the separate actuators 232-1 and 232-2 each represent a non-common actuator, that is, each of the separate doors 222-1 and 222-2 the two separate valves is separately controlled by the separate respective actuators 232-1 and 232-2.

Accordingly, it is respectfully submitted that Kroeker does not anticipate amended claims 1 and 21 because each and every claimed element of these claims is not shown by the reference. Further, it is submitted that under 35 USC 103, it would not have been obvious in view of Kroeker to provide the claimed common actuator because Kroeker teaches one to have one separate actuator for each of the two valves, which is a teaching away from the claimed drive consisting of a single common actuator shaft connected to two doors. Consideration of amended claims 1 and 21 as patentably distinguishing over Kroeker is therefore respectfully requested.

In view of these remarks, allowance of the pending claims is believed to be in order, which action is respectfully requested.

Respectfully submitted,
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